

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY	)	
	)	
Plaintiff,	)	C.A. No. 06-91 (SLR)
v.	)	
ACUSHNET COMPANY,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**ACUSHNET COMPANY'S MOTION TO EXCLUDE THE TESTIMONY AND  
REPORT OF CALLAWAY'S EXPERT WITNESS BRIAN NAPPER**

Defendant Acushnet Company ("Acushnet") hereby moves to exclude the testimony and report of Callaway Golf Company's ("Callaway") expert witness Brian Napper. The grounds for this Motion are fully set forth in Acushnet's supporting Memorandum of Law filed contemporaneously herewith.

Pursuant to Local Rule 7.1.1, counsel for Acushnet contacted counsel for Callaway regarding this motion; Callaway will oppose the motion.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Joseph P. Lavelle  
Kenneth W. Donnelly  
Brian A. Rosenthal  
HOWREY LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone (202) 783-0800

Dated: September 10, 2007

By: /s/ David E. Moore  
Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Hercules Plaza 6th Floor  
1313 N. Market Street  
Wilmington, DE 19899  
Tel: (302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

*Attorneys for Defendant Acushnet Company*

817721 / 30030

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on September 10, 2007, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on September 10, 2007, I have Electronically Mailed the document to the following person(s):

Thomas L. Halkowski  
Fish & Richardson P.C.  
919 N. Market Street, Suite 1100  
P. O. Box 1114  
Wilmington, DE 19899-1114  
[halkowski@fr.com](mailto:halkowski@fr.com)

Frank E. Scherkenbach  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
[scherkenbach@fr.com](mailto:scherkenbach@fr.com)

Robert A. Denning  
David S. Shuman  
Fish & Richardson P.C.  
12290 El Camino Real  
San Diego, CA 92130  
[denning@fr.com](mailto:denning@fr.com)  
[shuman@fr.com](mailto:shuman@fr.com)

*/s/ David E. Moore*  
Richard L. Horwitz  
David E. Moore  
Potter Anderson & Corroon LLP  
Hercules Plaza – Sixth Floor  
1313 North Market Street  
Wilmington, DE 19899-0951  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY )  
v. Plaintiff, ) C.A. No. 06-91 (SLR)  
ACUSHNET COMPANY, ) **JURY TRIAL DEMANDED**  
Defendant. )

**ORDER**

Having considered ACUSHNET COMPANY'S MOTION TO EXCLUDE THE TESTIMONY AND REPORT OF CALLAWAY'S EXPERT WITNESS BRIAN NAPPER, it is hereby ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2007 that the Motion is GRANTED.

---

United States District Judge